

Docket No.: 049480-0065



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277

Jack C. RAINS, Jr., et al. : Confirmation Number: 9364

Application No.: 10/555,094 : Group Art Unit: 2875

Filed: November 02, 2005 : Allowed: September 08, 2008

Examiner: A. Ton

For: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS

**COMMENTS ON STATEMENT OF  
REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied each of the Notices of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the reasoning set forth in the Statement, particularly to the extent that the wording used in the Statement may be construed as differing from the actual claim language and/or the otherwise proper interpretation of the claim language in view of Applicants' prosecution of the claims.

The Statement first finds Applicants assertions of patentability to be persuasive. However, each version of Statement goes on to indicate that the art "does not anticipate individually or teach in combination the invention as recited in claims 6-11, 16-26." The

reference to "the invention" and to all of the claims in one Statement should not be construed as any indication that all of the claims are directed to a single subject or necessarily stand or fall together for purposes of patentability over the art. The claims differ as to language and scope, and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the reference to "the invention" in the Statement. It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George  
Registration No. 34,111

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 KEG:MWE  
Facsimile: 202.756.8087  
**Date: September 15, 2008**

**Please recognize our Customer No. 20277  
as our correspondence address.**

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LIGHTING APPLICATIONS

**REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated September 08, 2008.

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed **November 2, 2005** or **February 22, 2007**. Enclosed are copies of the Information Disclosure Statements, PTO-1449s and stamped return postcard acknowledgements.

We also note that we have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed **September 18, 2007**. Specifically, the **U.S. Office Action** issued in **U.S. Patent Application No. 11/233,036**, dated **May 30, 2007** listed under "**Other Art**" is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard

acknowledgement. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Notice of Allowance dated January 9, 2008.

Applicant hereby respectfully requests that:

- (1) the appropriately acknowledged PTO-1449s be furnished to Applicant;
- and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George  
Registration No. 34,111

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 KEG:kh  
Facsimile: 202.756.8087  
**Date: September 15, 2008**

**Please recognize our Customer No. 20277  
as our correspondence address.**

Applicant: Jack C. RAINŚ, et al. Docket No. 049480-0065 Serial No. 10/555,094

Title: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS Patent No. \_\_\_\_\_

Date Sent: 9/18/2007 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No. \_\_\_\_\_

☒ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov

☐ Other: \_\_\_\_\_

pages of Specification  
pages of Claims  
pages of Abstract  
pages of Formal/Informal Drawings

Small Entity ☒ Large Entity

Declaration/Power of Attorney

Recordation of Assignment/Security Agreement

Information Disclosure Statement

1 Form PTO 1449

- References attached

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

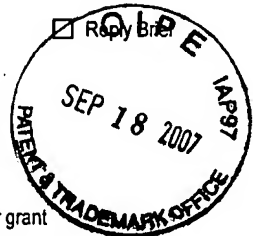
☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of \_\_\_\_\_

☐ Request for \_\_\_\_\_ month Extension of Time

- ☐ Letter submitting \_\_\_\_\_ pages of drawings  
☐ Req. for Approval of Drawing Amendments  
☐ Req. for Oral Hearing  
☐ Not. of Appeal ☐ Appeal Brief  
☐ Rule 312 Amendment/Letter  
☐ Req. for Acknowledgement of Cited Art  
☐ Issue Fee  
☐ Publication Fee  
☐ Req. for Certificate of Correction  
☐ Maintenance Fee for \_\_\_\_\_ years after grant  
☐ Fee Address Indication Form  
☐ Terminal Disclaimer  
☐ Petition to Commissioner  
☐ Status Inquiry  
☒ Other U.S. Office Action issued in U.S. Patent Application No. 11/233,036



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CMS Descrip.: \_\_\_\_\_

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

Applicant: Jack C. RAINS, et al. Docket No. 049480-0065 Serial No. 10/555,094

Title: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS Patent No. \_\_\_\_\_

Date Sent: 02/22/2007 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No. \_\_\_\_\_

☒ Transmittal Letter

New Patent App. ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov

☐ Other: \_\_\_\_\_

pages of Specification  
pages of Claims  
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☐ Small Entity ☒ Large Entity

☐ Declaration/Power of Attorney

☐ Recordation of Assignment/Security Agreement

☒ Information Disclosure Statement

1 Form PTO 1449

- References attached

☐ Preliminary Amendment

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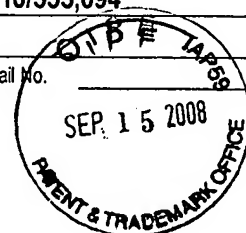
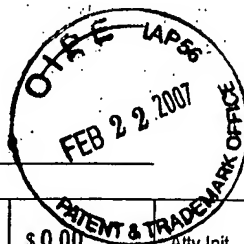
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☐ Req. for Acknowledgement of Cited Art  
☐ Issue Fee  
☐ Publication Fee  
☐ Req. for Certificate of Correction  
☐ Maintenance Fee for \_\_\_\_\_ years after grant  
☐ Fee Address Indication Form  
☐ Terminal Disclaimer  
☐ Petition to Commissioner  
☐ Status Inquiry  
☒ Other International Preliminary Report on Patentability and Written Opinion



Check for \$ ☒ Charge Deposit Acct. 500417 \$ 0.00 ☐ Atty Init. KEG Tkpr. # 4235 Secy. or PL: AKruger

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Applicant: Jack C. RAINS, et al. Docket No. 049480-0065 Serial No. Not yet assigned

Title: PRECISE REPEATABLE SETTING OF COLOR CHARACTERISTICS FOR LIGHTING APPLICATIONS Patent No. \_\_\_\_\_

Date Sent: 11/2/2005 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No. \_\_\_\_\_

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New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☒ PCT ☐ RCE ☐ Prov

☐ Other: \_\_\_\_\_

42 pages of Specification

5 pages of Claims

1 pages of Abstract

12 pages of Formal Drawings

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2 Form PTO 1449

7 copies of cited references

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☐ Issue Fee

☒ Power of Attorney

☒ Statement under 37 CFR 3.73 (b)

☒ PCT/RO/101

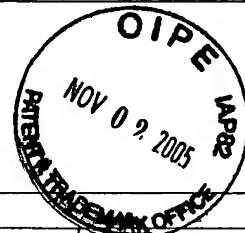
☒ PCT/RO/102

☒ PCT/RO/105

☒ PCT/ISA/202

☒ PCT/IB/301

☒ PCT/IB/304



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CMS Descrip.: 1-300.00 31-100.00 32-200.00 3-300.00 EARLY SERIAL NUMBER

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